

Strasburger
ATTORNEYS AT LAW

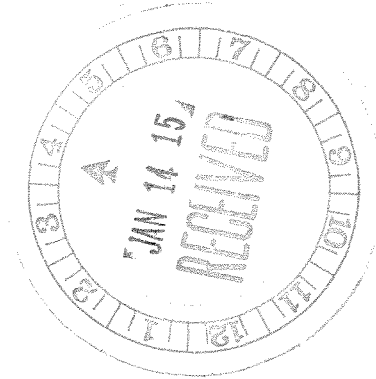
January 14, 2015

237476
ENTERED
Office of Proceedings
January 14, 2015
Part of
Public Record

JOHN D. HEFFNER
(202) 742-8607
Direct Fax (202) 742-8697
John.Heffner@strasburger.com

VIA COURIER

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.,
Washington, D.C. 20423-0001



**RE: FD 35899, Burlington ShortLine Railroad, Inc., d/b/a Burlington
Junction Railway-Operation Exemption-City of Le Mars, Iowa**

Dear Ms. Brown:

On behalf of Burlington ShortLine Railroad, Inc., d/b/a Burlington Junction Railway, I am enclosing for filing an original and ten copies of a verified notice of exemption under 49 U.S.C. §10902 and 49 CFR §1150.41. Also I am submitting a copy of this filing on a computer disk as well as a filing fee check payable to the Board for \$1800.

Please date stamp and return one copy of this filing for our records.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'J. D. Heffner'.

John D. Heffner

Enclosures

cc: Steve Hoth, Esq.

FEE RECEIVED
January 14, 2015
SURFACE
TRANSPORTATION BOARD

FILED
January 14, 2015
SURFACE
TRANSPORTATION BOARD

6521572.1/SP/30314/0101/011415

Strasburger & Price, LLP

1025 Connecticut Ave., N.W. Suite 717 | Washington, DC 20036 | 202.742.8600 tel | 202.742.8699 fax | www.strasburger.com
Austin | Collin County | Dallas | Houston | San Antonio | New York, N.Y. | Washington, D.C. | Mexico City - Strasburger & Price, SC

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 35899

**BURLINGTON SHORTLINE RAILROAD, INC.
d/b/a BURLINGTON JUNCTION RAILWAY
—OPERATION EXEMPTION—
CITY OF LE MARS, IOWA**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. §10902 and 49 CFR §1150.41**

Submitted By:

John D. Heffner
Strasburger & Price, LLP
1025 Connecticut Avenue, N.W.
Suite 717
Washington, D.C. 20036
(202) 742-8607

Counsel for Petitioner

Dated: January 14, 2015

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 35899

**BURLINGTON SHORTLINE RAILROAD, INC.
d/b/a BURLINGTON JUNCTION RAILWAY
—OPERATION EXEMPTION—
CITY OF LE MARS, IOWA**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. §10902 and 49 CFR §1150.41**

Burlington Shortline Railroad, Inc., d/b/a Burlington Junction Railway ("BSLR"), an existing Class III short line railroad, files this Notice of Exemption, pursuant to 49 C.F.R. Part 1150, Subpart D – Exempt Transactions, with the Surface Transportation Board ("the Board") to permit it to operate pursuant to a Switching Services Agreement certain private industry track located inside an industrial park owned by the City of Le Mars, Iowa ("the City"), approximately 5,600 linear feet in length ("the Line"). The Line has no mileposts. A map illustrating the Line is attached as Exhibit A.

INFORMATION REQUIRED BY 49 CFR §1150.43

Name and Address of Applicant

49 CFR §1150.43(a)

Burlington Shortline Railroad, Inc.
P.O. Box 37
Burlington, IA 52601

Applicant's Representative

49 CFR §1150.43(b)

John D. Heffner
Strasburger & Price, LLP
1025 Connecticut Ave., N.W.
Suite 717
Washington, D.C. 20036
(202) 742-8607

Statement of Agreement

49 CFR §1150.43(c)

BSLR has executed a Switching Services Agreement with the City giving it the exclusive right to provide switching services on the City's owned track and connecting Industry owned track.

Operator of the Property

49 CFR §1150.43(d)

BSLR will provide all common carrier railroad service on the Line as the City's independent agent replacing industrial switching services that the Chicago Central & Pacific Railroad Company ("CN")¹ presently provides.

¹ Chicago Central & Pacific Railroad Company is a CN subsidiary.

BSLR is an existing Class III common carrier short line railroad that operates a series of noncontiguous short line railroads in the States of Illinois, Iowa, and Missouri doing business under the name Burlington Junction Railway. Its current operations are identified in the footnote below.¹ The City owns the subject 5,600 feet of trackage within its limits that serve 6 customers. At present CN provides industrial switching service to all customers served by the City trackage. The City decided to replace CN with a short line operator, solicited interest through a request for proposal, and picked BSLR's as the proposal that best met the City's needs.

Issuance of this exemption would be consistent with agency policy as the Board has frequently allowed applicants to convert private or industrial track to common carrier service where proposed operator and the track owner have reached or are likely to reach an agreement granting access to the operator. *See, e.g., R Bult Rail Lines, LLC—Lease and Operation Exemption—Rail Line of Marigold Land Company, LLC*, FD 35878 (STB served December 19, 2014);

¹ BSLR was originally established in 1985 to operate a short segment of former Rock Island Railroad trackage in Burlington, IA. *Burlington Shortline, Inc., And Keokuk Northern Real Estate Company d/b/a Burlington Junction Railway-Exemption-From 49 U.S.C. 10901 et al*, FD 30522, ICC served March 7, 1985. Subsequently, BSLR's owner purchased the interest held by Keokuk Northern Real Estate Company and BSLR went on to acquire or assume operations over six additional short segments of railroad located in Henry County, IA, Burlington, IA, Quincy, IL, Ottumwa, IA, Montgomery, IL, and St. Louis, MO.

TransDistribution Brookfield Railroad Company—Acquisition and Operation Exemption—Sweetener Supply Company, Inc., FD 35890 (STB served Jan. 2, 2015); and *TransDistribution Ridgeland Railroad Company—Acquisition and Operation Exemption— Sweetener Supply Company, Inc.*, FD 35891 (STB served Jan. 2, 2015).

Other information required

- (1) Name and address for the party transferring the subject property:

The City's address is:
City of Le Mars
40 Central Avenue, SE
Le Mars, IA 51031-1130

- (2) The proposed time schedule for consummation of the transaction:

BSLR intends to consummate this transaction on or about April 1, 2015, more than 30 days from the date of this notice.

The mileposts of the subject property, including any branch lines:

There are no mileposts on the Line as it is private yard trackage.

Map 49 CFR §1150.43(f)

A map depicting the railroad trackage to be operated is attached as Exhibit A.

Certificate of Carrier Classification 49 CFR §1150.43(g)

BSLR certifies that with this transaction its projected annual revenues will be less than \$5,000,000. A certificate complying with the provisions of 49 CFR §1150.43(g) is attached as Exhibit B to this notice.

Transactions Imposing Interchange Commitments 49 CFR §1150.43(h)

Not applicable. There are no agreements applicable to the Line imposing any interchange commitments.

Labor Protection

Labor protective conditions are not applicable to transactions under 49 U.S.C. §10902.

Caption Summary 49 CFR §1150.44

A caption summary in the prescribed form is attached as Exhibit C to this Notice.

Environmental and Historic Preservation Data 49 CFR §1105

Pursuant to 49 CFR §1105.6(c) (2), the proposed transaction is exempt from environmental review under 49 CFR §1105(c) (2) (i), because the actions proposed herein will not cause any operating changes that exceed the thresholds established in 49 CFR §1105.7(e) (4) or (5).

In addition, this transaction is exempt from historic review under 49 CFR §1105.8(b) (1). Under this section, a sale, lease or transfer of a rail line is exempt if rail operations will continue. Further Board approval is required for the parties to abandon service, and there are no plans to dispose of or alter the properties subject to Board jurisdiction.

Submitted By:

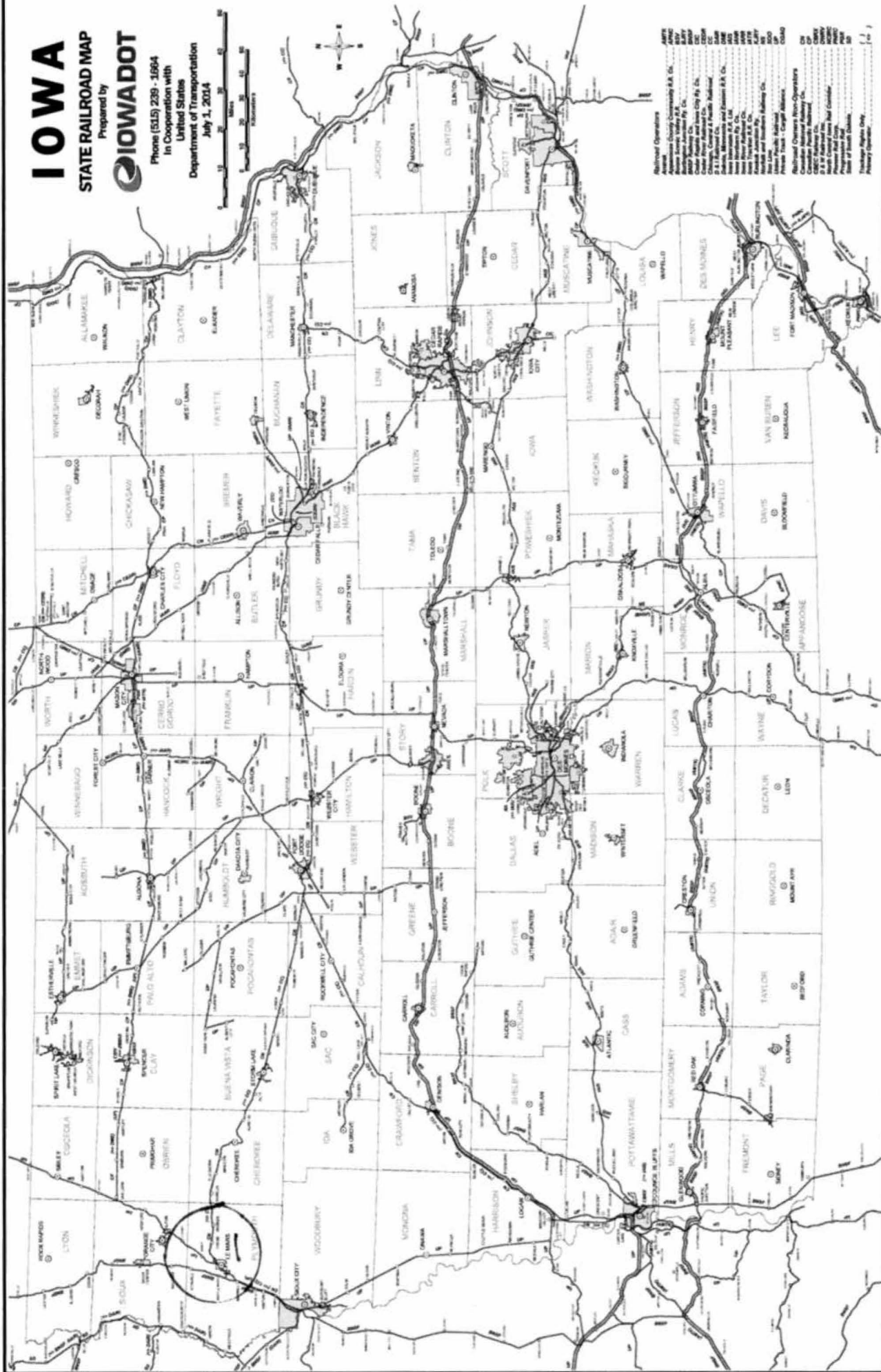
A handwritten signature in dark ink, appearing to read "John D. Heffner", is written over the printed name.

John D. Heffner
Strasburger & Price, LLP
1025 Connecticut Avenue, N.W.
Suite 717
Washington, D.C. 20036
(202) 742-8607

Counsel for Petitioner

Dated: January 14, 2015

EXHIBIT A



City Industrial Rail Park of Le Mars, Iowa

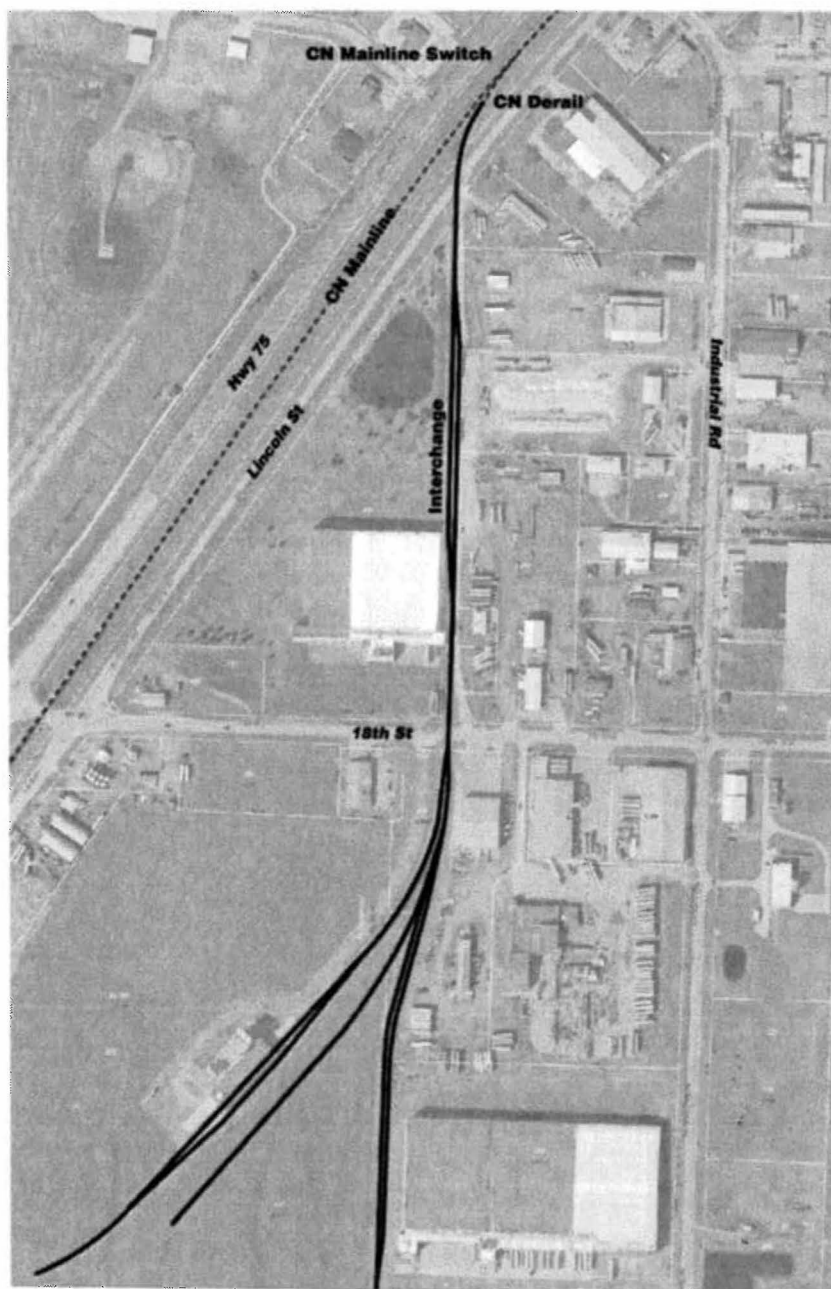


Exhibit B

Certification

I, Robert Wingate, certify that I am General Manager (state position) of BJRY (name of carrier) and that applicant's projected revenues will not exceed \$5 million annually and will not result in the applicant becoming a Class I or Class II carrier under the provisions of 49 CFR 1201(1-1).

Dated: Dec 31, 2014

Signature



EXHIBIT C

BEFORE THE SURFACE TRANSPORTATION BOARD

FD 35899

**BURLINGTON SHORTLINE RAILROAD, INC.
d/b/a BURLINGTON JUNCTION RAILWAY
—OPERATION EXEMPTION—
CITY OF LE MARS, IOWA**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. §10902 and 49 CFR §1150.41**

Burlington Shortline Railroad, Inc., d/b/a Burlington Junction Railway (“BSLR”), an existing Class III short line railroad, files this Notice of Exemption, pursuant to 49 C.F.R. Part 1150, Subpart D – Exempt Transactions, with the Surface Transportation Board (“the Board”) to permit it to operate pursuant to a Switching Services Agreement certain private industry track located inside and an industrial park owned by the City of Le Mars, Iowa (“the City”), approximately 5,600 linear feet in length (“the Line”). The Line has no mileposts.

BSLR certifies that its projected annual revenues as a result of this transaction would not exceed those that would qualify it as a Class III rail carrier and further certifies that its projected annual revenues will not exceed \$5 million. If the verified notice contains false or misleading information, the exemption is

void ab initio. Petitions to revoke the exemption under 49 U.S.C. §10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than February 6, 2015 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to FD 35899, must be filed with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on John D. Heffner, Esq., Strasburger & Price, 1025 Connecticut Ave., N.W. – Suite 717, Washington, D.C. 20036, Telephone: (202) 742-8607, counsel for BSLR.

Board decisions and notices are available on our website at
WWW.STB.DOT.GOV.

Decided:
By the Board, Rachel D. Campbell, Director, Office of Proceedings.

VERIFICATION

STATE OF Iowa)

)

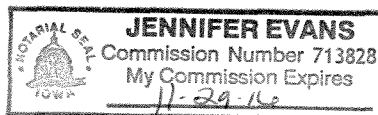
CITY OF Burlington)

Robert Hays, being duly sworn according to law, hereby deposes and states that (s)he holds the position of General Manager with applicant/petitioner, is authorized to make this Verification, had read the foregoing document, and knows the facts asserted therein are true and accurate as stated, to the best of (her)his knowledge, information, and belief.

[Signature]

Subscribed to and sworn to before me, a Notary Public, in and for the County of Des Moines in the State of Iowa, this 2nd day of January 2015

[Signature]
Notary Public



My Commission expires:

11-29-16